

MICHIGAN DRUG COURT PROGRAM

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Introduction

Public Act 137 of 1999, a fiscal year (FY) 1998-99 supplemental appropriation bill, included \$1,000,000 for drug courts. Prior to this State appropriation for drug courts, Federal funds were available to local jurisdictions that directly applied for funding. Since drug courts are a growing trend in jurisprudence, several local jurisdictions in Michigan initiated drug courts with either local funds or a combination of Federal funds and local match. The following overview provides a summary of the Michigan Drug Court Program and lists the distribution of grant funds as of this date.

Background

Drug courts are part of an evolving movement in jurisprudence called therapeutic justice. The concept is that the judge, through his or her actions in the court proceeding and through interactions with the offender, can effect a change in offender behavior resulting in a reduction in the offender's criminal activity. Drug courts, as defined for purposes of funding from the (Federal) Drug Court Program Office in Washington, D.C., provide a treatment component as discussed, and are not merely expedited dockets of drug cases. The treatment component is designed to provide a comprehensive program of treatment and intervention to rehabilitate the substance abuse offender and thereby prevent a return to the justice system. The key components of drug courts are as follows:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

Source: Defining Drug Courts: The Key Components, Drug Court Standards Committee, Department of Justice, January 1997.

Most of Michigan's drug courts began with the assistance of Federal funding or other grant funds. However, Federal grant funding for drug courts is limited in duration to approximately three to four years. The rationale for the limited duration of Federal funding is that successful programs will be continued by the state and/or local units of government. By early 1999 the State Court Administrative Office recognized 10 drug courts in Michigan as meeting the Federal guidelines for a drug court program. They consisted of the following:

Drug Court

Berrien County Adult Drug Court - St. Joseph
Kalamazoo County Women's Drug Court
Kalamazoo County Men's Drug Court
Kalamazoo County Juvenile Drug Court
36th District Court - Detroit

56th District DUI Drug Court - Charlotte
61st District Court - Grand Rapids
37th District Court - Warren
Macomb Juvenile Drug Court - Mt. Clemens
Sault Ste. Marie Chippewa Tribe Drug Court

Because of the limited duration of Federal funding for drug courts, local courts in Michigan requested State assistance in 1999. In particular, the Kalamazoo Men's Drug Court was nearing the end of its Federal grant in September 1999. Kalamazoo County provided local funding for a women's drug court, but was unable to provide for the men's program and turned to the State for assistance. In response to Kalamazoo and other requests for funding to implement and continue other drug court programs, the Legislature appropriated \$1,000,000 in Public Act 137 of 1999 for drug courts. Funds for this new State grant were not actually distributed until FY 1999-2000. Section 575 of Public Act 137 provided the following guidelines for the program:

"Sec. 575. (1) The funds appropriated in part 1 for drug courts shall be administered by the state court administrative office to implement new drug court programs or for existing drug court programs if federal funds are no longer available. A drug court shall be responsible for handling cases involving substance abusing offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorney, defense attorney, and community corrections providers.

(2) The funds may be used in connection with federal funds and local units of government are encouraged to match state funding.

(3) Local units of government are encouraged to refer to federal drug court guidelines to prepare proposals. However, federal agency approval is not required for funding under this section."

Michigan's Drug Court Grant Program

Based on the criteria contained in Section 575, the State Court Administrative Office developed guidelines for the new Michigan Drug Court Grant Program. The Drug Court Grant Program developed by the State Court Administrative Office will provide funding to single- or multiple- jurisdiction drug court programs for juveniles or adults. The criteria for the grant program are modeled after the Federal program with one significant difference. The Michigan program is a postadjudication program. Defendants will be required to plead guilty in order to participate in the program. If a defendant successfully completes the drug court treatment program, the defendant is allowed to withdraw the guilty plea and the prosecutor may move to dismiss the charges. If the defendant does not successfully complete the program, he or she is sentenced under the original plea. The Federal Drug Court Program Grant does not require that the defendant plead guilty in order to participate in the drug court treatment program. The State grants are limited to \$10,000 for planning grants (\$15,000 for multijurisdictional planning grants), \$20,000 for enhancement grants, \$200,000 for implementation grants, and \$400,000 for continuation grants.

The State Court Administrative Office has awarded nine planning grants, four enhancement grants, two implementation grants, and one continuation grant totaling \$761,060 of the \$1,000,000 appropriation. The grants are listed in Table 1.

Table 1

Drug Court Grants	Amount
<u>Planning Grants</u>	
Genesee County Circuit Court	\$6,375
Wayne County Circuit Court	\$10,000
Monroe County Circuit Court	\$8,663
51st District Court (Oakland County/ Waterford)	\$7,500
Oakland County Circuit Court	\$7,500
52-4 District Court (Troy)	\$7,500
52-1 District Court (Oakland County/Novi)	\$10,000
Oakland County Probate Court/ Circuit Court-Family Division	\$10,000
42-2 District Court (Macomb County/ New Baltimore)	\$10,000
<u>Enhancement Grants</u>	
Macomb County Juvenile Drug Court . . .	\$15,000
56A District Court (Charlotte)	\$15,000
61st District Court (Grand Rapids)	\$15,000
37th District Court (Warren)	\$15,000
<u>Implementation Grants</u>	
Eaton County Circuit Court	\$73,934
Berrien County Circuit Court	\$149,588
<u>Continuation Grants</u>	
Kalamazoo County	\$400,000

Source: State Court Administrative Office

Conclusion

While the Michigan Drug Court Grant Program is still going through its formative stage, some are questioning whether the State can be a permanent source of funding for drug courts. The Michigan Supreme Court requested an increase of \$600,000 in its budget request for FY 2000-01. The Supreme Court's rationale for the increase was that nine of the 16 grants awarded in FY 1999-2000 were planning grants. As new drug courts advance through the planning and implementation phase, and additional courts apply for funding, the total cost of the State program will increase. There also will be a higher need for continuation funding due to the limited time period of Federal drug court grants. However, the Governor recommended continuation of the \$1,000,000 level of funding and the House-passed version of the Judiciary budget (House Bill 5279) included the \$1,000,000 funding level recommended by the Governor. In section 322, the House version of the bill would provide a three-year limit on State Drug Court Grants. The one-time planning grant would not count toward this limit. The House language also provides for increasing match requirements from local government (first year 25%, second year 40%, third year 50%). If the duration of the State Drug Court Program is limited, consistent with Federal drug court funding, long-term funding of drug court programs will depend on local support.